

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

In re:

AnthymTV Co.,

Debtor.

Chapter 11

Case No. 23-00438-eg

**NOTICE OF HEARING ON DEBTOR'S MOTION TO CONVERT
CHAPTER 11 CASE TO CHAPTER 7**

Anthym TV Co. a/k/a Anthym Technologies ("Anthym") has filed papers with the court to covert the bankruptcy case from a Chapter 11 to a Chapter 7.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to convert the case, or if you want the court to consider your views on the motion, then within twenty-one (21) days of service of this notice, you or your attorney must:

File with the court a written response, return, or objection at:

1100 Laurel Street
Columbia, SC 29201

Responses, returns, or objections filed by an attorney must be electronically filed in ecf.scb.uscourts.gov.

If you mail your response, return, or objection to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:

Mary M. Caskey, Esq.
Haysnworth Sinkler Boyd, PA
PO Box 11889
Columbia, SC 29211-1889

Attend the hearing scheduled to be heard on June 7, 2023, at 10:30 a.m. at the United States Bankruptcy Court, King and Queen Buildings, 145 King Street, Room 225, Charleston, SC 29401.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief prior to the scheduled hearing date, if determined to be appropriate.

/s/ Mary M. Caskey

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May 1, 2023

**UNITED STATES BANKRUPTCY COURT
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DEBTOR’S MOTION TO CONVERT CHAPTER 11 CASE TO CHAPTER 7

Anthym TV Co. a/k/a Anthym Technologies (“Anthym”), by and through its undersigned counsel, moves the Court for an order converting its current Case pursuant to Subchapter V, Chapter 11 to a Chapter 7 Case pursuant to 11 U.S.C. § 1112 (the “Motion”). In support of the Motion, the Debtor would show as follows:

1. On February 15, 2023, Petitioners W. Reid Sanders, Sr., R. Reid Sanders, Jr., Doug Edwards, and Michael O’Keefe (the “Petitioners”) filed an involuntary petition against the Debtor in this District, seeking entry of an Order for Relief commencing a Chapter 7 bankruptcy case (the “Involuntary Case”).
2. On March 3, 2023, the Debtor filed a Voluntary Petition under Subchapter V of Chapter 11, in the District of Massachusetts, Case No. 23-10324 (the “Voluntary Case”).
3. Petitioners filed a Motion to Determine Venue is Proper in the District of South Carolina on March 9, 2023, which was opposed by Debtor and heard by the Court at a hearing on March 21, 2023.
4. The Court granted Petitioners’ Motion and has determined venue to be proper in this District. Further, the Court treated the filing of the Voluntary Case as a motion to convert the Involuntary Case to a Subchapter V case.
5. The petition date of the Voluntary Case relates back to February 15, 2023.

6. This Court has subject matter jurisdiction over the Motion pursuant to 28 U.S.C. § 1334.

7. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

8. Debtor commenced its Subchapter V case with a plan to pursue a sale of its programming assets. Prior to and since the filing of the Subchapter V case in Massachusetts on March 3, 2023, the Debtor has pursued a potential buyer for its nascent programming assets. The discussions with the potential buyer progressed until April 13th, when the promising potential buyer declined to purchase the early-stage assets. The Company is a highly speculative, early-stage start-up. Despite its efforts, the Debtor has exhausted any viable plans to sell the assets.

9. 11 U.S.C. § 1112(a) provides that the debtor may convert a case under this chapter to a case under Chapter 7 of this title unless the debtor is not a debtor in possession, the case was originally commenced as an involuntary case under this chapter, or the case was converted to a case under this chapter other than on the Debtor's request. None of these conditions apply in this case. The debtor remains a debtor in possession, the case commenced herein was an involuntary case pursuant to Chapter 7, and then converted to a Subchapter V case, and the case has never been converted prior to this request.

10. In addition, Debtor would qualify as a debtor under Chapter 7. *See* 11 U.S.C. § 1112(f).

11. When a debtor requests conversion of its Chapter 11 case, the relief should be granted unless a party opposing the relief establishes that "plain legal prejudice" to creditors would otherwise result. *See In re Mazzocone*, 183 B.R. 402 (Bankr. E.D. Pa. 1995), affirmed 200 B.R. 568.

12. The Debtor does not have the financial viability to maintain its business operations and needs to initiate an orderly closure to preserve its remaining funds for the Creditors. The Debtor's asset sale efforts have not come to fruition, and therefore seeks conversion of the case to Chapter 7.

13. Based on conversations with the counsel for the Noteholders, who hold a majority of debt, and the subchapter V Trustee, the Debtor is informed and believes that this Motion is in the best interest of the creditors.

Based on the foregoing, the Debtor requests that the Court grant its Motion to Convert the case to a case under Chapter 7, and grant such other and further relief as may be just and proper.

/s/ Mary M. Caskey
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May 1, 2023